



CANNON BUILDING  
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STATE OF DELAWARE  
**DEPARTMENT OF STATE**

DIVISION OF PROFESSIONAL REGULATION

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<b>PUBLIC MEETING NOTICE:</b>	<b>BOARD OF PROFESSIONAL LAND SURVEYORS</b>
<b>DATE AND TIME:</b>	<b>Thursday, January 21, 2010 at 8:30 a.m.</b>
<b>PLACE:</b>	861 Silver Lake Boulevard, Dover, Delaware <b>Conference Room A</b> , second floor of the Cannon Building
<b>APPROVED:</b>	May 20, 2010

**MEMBERS PRESENT**

Stephen Sellers, Chair, Professional Member  
Michael T. Szymanski, Vice-Chair, Professional Member  
James Bielicki, Professional Member  
Laurence R. McBride, Professional Member  
Mary Chvostal, Public Member  
Joseph McDonough, Public Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL**

Frederick Schranck, Deputy Attorney General  
Renee' M. Holt, Administrative Specialist II

**ABSENT MEMBERS**

Frank Szczuka, Public Member

**OTHERS PRESENT**

Julia LaBadia – Wilcox and Fetzer  
John Johnson  
Jim Bielicki  
Kelly Katz  
Andrew Putnam  
Uzoma Ahirakwe  
Douglas Loewer

**CALL TO ORDER**

Mr. Sellers called the meeting to order at 8:40 a.m.

As the hearing attendees were not present, the Board moved to review the minutes.

**REVIEW OF MINUTES**

The review of the December 17, 2009 meeting minutes was tabled. The Board reviewed the November 19, 2009 minutes and approved with revisions submitted by Mr. Szymanski. Mr. McDonough made a motion, seconded by Mr. McBride to approve the minutes with revisions submitted. The motion was unanimously approved.

### **EXECUTIVE SESSION**

There was no executive session.

### **RULE TO SHOW CAUSE HEARINGS**

**Uzoma H. Ahiarakwe** **8:45 a.m.**

The hearing began at 8:49 a.m.

Attendees: Ms. Chvostal, Mr. McBride, Mr. Szymanski, Mr. Sellers, Mr. Schranck, Ms. Holt, Mr. McDonough

Court Reporter: Julia LaBadia, Wilcox & Fetzer

Uzoma Ahiarakwe was sworn in by the court reporter. The court reporter took verbatim testimony. Mr. Schranck greeted Mr. Ahiarakwe and confirmed the reason for the hearing. Mr. Schranck then asked Mr. Ahiarakwe if he had any testimony. Mr. Ahiarakwe gave testimony. The Board questioned Mr. Ahiarakwe. Ms. Chvostal made a motion to close the hearing, seconded by Mr. McBride. The motion failed due to no vote. Ms. Chvostal made a motion to go off the record for deliberations at 8:57 a.m. Mr. McBride seconded the motion. The motion was unanimously approved.

Mr. McDonough made a motion to end deliberations. Mr. Szymanski seconded the motion. The motion was unanimously approved. Hearing resumed 8:59 a.m.

Ms. Chvostal made a motion to find Mr. Ahiarakwe in violation of Rule 10.2, issue a letter of reprimand in his file, impose a \$250 fine, and require Mr. Ahiarakwe to make up 2 PDHs in Ethics within a period of 1 year that cannot be used for next renewal, in addition to the current 2 hour ethics PDH requirement. The motion was seconded by Mr. McBride. The motion was unanimously approved.

The hearing concluded at 9:01 a.m.

### **Roy Ziegler – Hearing Continuation**

The hearing began 9:01 a.m.

Attendees: Ms. Chvostal, Mr. McBride, Mr. Szymanski, Mr. Sellers, Mr. Schranck, Ms. Holt, Mr. McDonough

The court reporter took verbatim testimony. Mr. Schranck asked Mr. Ziegler if he understood the purpose of the continuation. Mr. Ziegler expressed his understanding of the reason for the

hearing continuation. Mr. Schranck confirmed Mr. Ziegler was still under oath. Mr. Ziegler testified instead of taking the chance the Board would decline his proposal, to just be authorized to use current PDHs taken to make up the difference. Mr. Sellers reiterated Mr. Ziegler had previously submitted the course for pre-approval and was denied. Then Mr. Ziegler renewed without notification of the denied application for PDH approval. The Board asked questions of Mr. Ziegler, and Mr. Ziegler provided testimony. After Mr. Schranck clarified the issues and understanding of the issues, Mr. Ziegler presented detailed explanation of the course for the Board's consideration. After further questions, Mr. Szymanski made a motion to go off the record at 9:29 a.m., seconded by Ms. Chvostal. The motion was unanimously approved. Ms. Chvostal made a motion, seconded by McBride to go back on the record.

Ms. Chvostal made a motion to accept the PDH's and that Mr. Ziegler has met the deficiency for 2007 – 2009 licensure. Mr. McBride seconded the motion. After further discussion, Mr. Szymanski suggested the better motion be 12.5 PDH's. Ms. Chvostal made an amendment to accept 12.5 PDHs for the hours for the deficiency. Mr. McBride seconded the motion. The motion was unanimously approved.

Mr. Ziegler asked if a course for GIS equipment in-house training would be acceptable. Mr. Szymanski suggested getting the presenter to provide additional documents.

The hearing concluded 9:40 a.m.

Mr. Szymanski made a suggestion to all licensees that they need to read the rules and regulations once in a while.

Mr. Sellers moved to the discussion of Mr. Andrew Putnam's case.

Mr. Schranck confirmed Mr. Putnam was providing additional testimony supporting the claim of 2 PDHs in ethics. Mr. Putnam provided additional testimony and submitted certificates to support the claim. Mr. Putnam provided certificates supporting in-house ethics training taken in 2008 that were live instructor courses. Mr. Putnam provided testimony to support his claims for why the courses covered meet the ethics requirements for the 2007-2009 renewal period.

Mr. Szymanski made a motion to go off the record for discussion at 9:50 a.m. Mr. McBride seconded the motion. The motion was unanimously approved.

Ms. Chvostal made a motion to go back on record at 9:54 a.m., seconded by Mr. McBride. The motion was unanimously approved.

Mr. Szymanski made a motion based on testimony on certificates provided for 4.5 PDHs that Mr. Putnam had met the requirement for ethics. Mr. McBride seconded the motion. The motion carried with 4 affirmative votes and Mr. McDonough voting no.

### **Unfinished Business**

Review of draft Survey Intern application – Mr. Sellers tabled the review. Ms. Holt will provide final comments to the Division and bring back to the board for further discussion.

Update on Audit of Regulatory Agencies – Mr. Schranck – Mr. Sellers requested this be removed from the agenda.

Review of Rules and Regulations comments – Ms. Holt confirmed no additional comments have been received. Mr. Sellers opened the discussion. Mr. Szymanski stated he appreciated the comment letters and some comments made good points. With that in mind, Mr. Szymanski amended the previous regulation changes to include some of the comments. Mr. Szymanski made the suggestion that the Board move forward to vote on the changes as there are good things in the revisions that are going to benefit the public. Mr. Sellers suggested discussing where the cost plays into what is being done. Mr. Szymanski agreed there will be an additional cost, but it will be a short term cost. In the long run it will benefit the public at large. Mr. Szymanski stated he felt the time it takes to take a survey will go down and it will make the survey business more competitive. Mr. Szymanski stated he thought there would be a short term cost to consumer but a long term benefit to the consumer. After further discussion, Mr. Szymanski suggested there should be an exception for townhome or rowhome communities and also 55 or older communities.

Mr. Szymanski stated the current process is “no complaint, no problem.” Mr. Szymanski commented that the other issue is in regards to condominiums. Mr. Szymanski stated he was not concerned where his property corners were for his condominium. He stated he was concerned about what's between the party walls. Mr. Szymanski stated he thought the Board should make consideration for that. Mr. Szymanski stated the bottom line was to look at what's been proposed and see if another hearing is warranted. Mr. Szymanski offered that if the Board felt the changes warranted another hearing, schedule the hearing, or make the substantial changes. Mr. Szymanski stated if the Board did not make some decision it will keep coming up and it will be a disservice to the public. Mr. Szymanski suggested the Board read the proposed changes with the understanding that it takes into consideration the comments.

Rules and Regulations Revision – Rule 12.0 – Mr. Sellers suggested the Board take the draft home, read it, and come back to the February meeting with comments and be ready to take it line by line. Mr. McBride will not be in attendance but can reduce his comments to writing and forward to Ms. Holt to forward to other Board members.

## **New Business**

### Review of Renewal Application Request

Mohammad Najib Roshan, LS – Mr. Sellers determined to table the discussion and requested Ms. Holt further research the licensee's background. Ms. Holt reported Mr. Roshan's license status as Expired – Must Reapply, however his request was received within the 6 month late renewal period. Ms. Holt will send correspondence outlining the late renewal rules 16.0 and statute 2711 explaining the process. Mr. Sellers requested Ms. Holt include a request to document the hours for the time submitted. Mr. Schranck left the meeting at 11:14a.m.

### Courses for Continuing Education Approval

Mr. Sellers reviewed the submissions by James Chandler.

*Maryland Society of Surveyors – Professional Development Series – (Video/DVD) – requesting 13 PDHs – Mr. Sellers made a motion to deny the courses as they are video/dvd courses and the Board does not recognize such courses, seconded by Mr. Szymanski. The motion was unanimously approved.*

*Pennsylvania 2010 PSLS Conference Workshop – January 24 – 27, 2010 – requesting 13 PDHs – Mr. Sellers made a motion to approve the conference for courses indicated in the itinerary for 3.5 PDHs each with the exception of Session 4 for 3.25 PDHs – Writing Legal Descriptions, Being Prepared – Surveyor as a Witness Pt 2, Stormwater Review for Licensure, Data Links – GPS and Robotics, Finding and Prioritizing Boundary Retracement Evidence, and Oil and Gas Well Surveying - which total 20.75 possible PDHs – Mr. McDonough seconded the motion. Mr. Szymanski asked if there were any courses that could be considered ethics. Mr. Schranck entered the meeting at 11:30 a.m. After further discussion, Mr. Sellers made a motion to amend the motion to recognize Professional Liability and Professional Ethics offered in Session 1 adequate to meet the Ethics requirements, seconded by Ms. Chvostal. The motion was unanimously approved as amended.*

*NJ Society of Professional Land Surveyors Conference 2010 (SurvCon 2010) – February 3 - 5, 2010 – requesting 13 PDHs*

*Mr. McDonough left the meeting at 11:35 a.m.*

The Board discussed the contents of the conference. Mr. Sellers made a motion to approve the workshops individually for the specified number of hours indicated on the itinerary, seconded by Ms. Chvostal. The motion was unanimously approved minus Mr. McDonough.

Mr. Szymanski reviewed the applications submitted by Michael L. Ray.

*SAMSOG 2010 Technical Seminar – January 28 – 30, 2010 – requesting 14 PDHs – Mr. Szymanski made a motion to approve courses by the hours identified – totaling 13.5 PDHs. Mr. McDonough entered the meeting at 11:38 a.m., The motion was seconded by Mr. McDonough. The motion was unanimously approved minus Mr. McBride who left the meeting at 11:38 a.m.*

- Jan. 28, 2010
  - Professional Liability E&O Insurance Presentation and Case Studies – 3 PDHs
  - Surveying Opportunities with 3D Machine Control – 2 PDHs
  - Introduction to Sustainability-Green Basics & the USGBC – 2 PDHs
- Jan. 29, 2010
  - GIS & Aerial Photogrammetry – 3.5 PDHs
  - Airborne, Ground-based LiDAR and Mobile Scanning Overview – 3 PDHs

*2010 VAS Annual Meeting – January 21 – 23, 2010 – requesting 24 PDHs – Mr. Szymanski reviewed the course and asked for Board input. After discussion, Mr. Szymanski made a motion to table the course Tech Session I - Land Surveying in Washington DC offered on January 21, 2010 pending information on how it pertains to surveying in general and approve all other courses listed below for a total of 16 PDHs. The motion was seconded by Ms. Chvostal. The motion was unanimously approved. Mr. Szymanski clarified none of the courses were considered Ethics and Professionalism.*

- Jan. 22, 2010

- Tech Session II – “RTK GPS & State Plane Coordinates” – 8 PDHs
- Tech Session III-A - “Live from Virginia RTK Net – The GNSS Reference Station Network for High Accuracy GNSS Applications” – 4 PDHs
- Tech Session III-B - “Live from Virginia – Understanding OPUS” – 4 PDHs

*Kentucky Association of Professional Surveyors 2010 Annual Conference* – February 18 – 20, 2010 – requesting 64 PDH

Mr. Szymanski made a motion to table the courses listed below until more information is obtained on how they relate to surveying in general. The motion was seconded by Ms. Chvostal. The motion was unanimously approved.

- Feb. 18, 2010
  - The Origin of Kentucky (morning offering) – 2 PDHs
  - History of Land Surveying in Kentucky (morning offering) – 2 PDHs
  - History of Land Surveying in Kentucky (repeat, afternoon offering) – 2 PDHs
  - The Origin of Kentucky (repeat, afternoon offering) – 2 PDHs
- Feb. 19, 2010
  - NSRS Datums: Current and Future – Focus on Kentucky – 2 PDHs
  - Kentucky Snake Identification – 2 PDHs

Mr. Szymanski made a motion to approve the courses listed below. The motion was seconded by Chvostal. The motion was unanimously approved.

- Feb. 18, 2010
  - History of Land Surveying Measurement Tools – 4 PDHs
  - Early Surveying Techniques and the Evolution of Surveying Equipment – 4 PDHs
  - Abe Lincoln as a Land Surveyor – 2 PDHs
  - Surveying America – 4 PDHs
  - The Colonial Land System & The Building of America – 4 PDHs
  - Time, Time, It's All About Time – 2 PDHs
- Feb. 19, 2010
  - First Aid for Surveyors – 2 PDHs
  - Surveying in the Military: Cold War Years, Vietnam to Persian Gulf – 4 PDHs
  - CSI Surveying – 2 PDHs
  - Field Techniques Applicable to the GIS Industry – 2 PDHs
  - Client Relations/Marketing/Risk Management – How they are linked – 2 PDHs
  - Excel Seminar – 2 PDHs
  - Carlson Survey & Network Least Squares – 2 PDHs
  - Government Affairs – The Politics of State Government and Regulations – How to Influence your State Officials – 2 PDHs
  - Power Point Seminar – 2 PDHs
  - The Professional Surveyor as an Expert Witness in Criminal Court – 2 PDHs
  - Spatial Imaging & Laser Scanning – 2 PDHs
- Feb. 20, 2010
  - KRS.322/MTS/Code of Conduct – 4 PDHs – *Approved for Ethics*
  - Ethical Considerations and Tips on Expert Witness form the Legal Counsel Perspective – 4 PDHs – *Approved for Ethics*

*Statutory Laws of Maryland Relating to Land Surveyors* – December 4, 2009, January 8, 2010, February 19, 2010, July 16, 2010 – requesting 8 PDHs (per offering) – Mr. Szymanski made a

motion to table the application until receiving further explanation how the course applies to surveying in general and not specifically to Maryland. The motion was seconded by Ms. Chvostal. The motion was unanimously approved.

*Mississippi Association of Professional Surveyors (MAPS) 2010 Annual Convention* – February 4 – 6, 2010 – requesting 15 PDHs – Mr. Szymanski made a motion to table the course “Standards of Practice for Land Surveying in the State of Mississippi” for 2 PDHs and request how the course applies to surveying in general and not specifically to Mississippi, seconded by Ms. Chvostal. The motion was unanimously approved. Mr. Szymanski made a motion to approve the courses listed below and that “Ethics for Surveyors” be identified as qualified to meet the Ethics requirement, seconded by Ms. Chvostal. The motion was unanimously approved.

- Feb. 4, 2010
  - The Rectangular land System: Subdivision of the Public Land – 7.5 PDHs
- Feb. 5, 2010
  - The History of Surveying Instruments: Their Impact and Accuracy – 2 PDHs
  - Future Role of Surveyors in GIS – 3.5 PDHs
- Feb. 6, 2010
  - Ethics for Surveyors – 1 PDH – *Approved for Ethics*

*SCSPLS Conference & Trade Show* – February 25 – 26, 2010 – requesting 52.5 PDHs. Mr. Szymanski made a motion to table the presentation titled “Session 1: SC VRS” and request information on how the course relates to surveying in general, and approve the courses listed below, seconded by Ms. Chvostal. The motion was unanimously approved.

- Feb. 25, 2010
  - Session 1: Project Management – 7.25 PDHs
  - Session 2: Least Squares Analysis – 7.25 PDHs
  - Session 3: Know When to Hold'em...and Other Procedural Pitfalls – 7.25 PDHs
- Feb. 26, 2010
  - Session 2: FEMA Workshop – 7.25 PDHs
  - Session 3: AutoCAD Civil 3D for Surveyors – 7.25 PDHs
  - Session 5: GIS Field Procedures and Applications – 7.25 PDHs

Mr. McBride reviewed the applications submitted by James Nardo.

*PA Society of Land Surveyors - Stormwater Review for Licensure* – January 27, 2010 – requesting 3.5 PDHs – already approved – Mr. McBride made a motion, seconded by Ms. Chvostal to approve the course. The motion was unanimously approved.

*BMP Manual* – January 27, 2010 – requesting 3.5 PDHs – Mr. McBride made a motion, seconded by Ms. Chvostal to approve the application. The motion was unanimously approved.

Mr. McBride reviewed the applications submitted by Douglas Loewer.

*Global Positioning Systems* – February 2, 2010 – requesting 7 PDHs – Held at DTCC previously approved (9/15/09)– Mr. McBride made a motion, seconded by Ms. Chvostal to approve the course. The motion was unanimously approved.

*Advanced Data Collection Techniques* – Delaware Technical & Community College – Owens Campus – January 19, 2010 – requesting review (also brochures submitted by DTCC Owens directly to the Board) – After further discussion, Mr. McBride made a motion to send response that the courses have not been approved by the Board but could be approved if submitted. The motion was seconded by Ms. Chvostal. After further discussion the motion was unanimously approved.

The meeting recessed at 12:12 p.m. for break. Mr. Schranck left the meeting at 12:12 p.m. Mr. Sellers reconvened the meeting at 12:24pm

#### Review of Application for Licensure by Reciprocity – None

#### Review of Licensure by Examination – None

Review of Land Surveying Certificate of Authorization Application- Mr. Sellers discussed the possibility of the Division of Professional Regulation reviewing the applications and having the Board ratify the issuance of the Certificate of Authorization. Mr. Szymanski asked if the Division of Professional Regulation noticed the public and licensees and firms of the change. Ms. Holt was unaware of the previous efforts for this matter.

Mr. Szymanski requested to have Ms. Warren come to the February board meeting to discuss the handling of the applications for Certificate of Authorization and how the public was notified.

During discussions, Mr. Sellers made a recommendation the Board set a grace period for the entities in regard to question #12 of the application (Have you been practicing without a Certificate of Authorization.)

Mr. Sellers made a motion to approve applications for Karins Engineering Inc.; CMX, Inc.; Artesian Consulting Engineers, Inc.; Pickering, Corts, & Summerson, Inc.; Compass Point Associates, LLC; George William Stephens Jr. & Assoc. Inc.; Woodin & Associates, LLC; Engineering Consultants International, LLC; Merestone Consultants, Inc.; and Elliott Survey Corp. The motion was seconded by Mr. McBride. The motion was unanimously approved.

#### Complaint Assignments

Mr. McBride confirmed receipt of Complaint #05-06-09 and requested to speak with Mr. Nickerson. Ms. Holt confirmed Mr. McBride could request to meet with Mr. Nickerson of the Investigative Unit after the meeting adjourned.

#### Hearings/Consent Agreements

In regards to the Decision and Order for Andrew Putnam – Mr. Putnam provided additional information showing 2 PDH's in Ethics as was testified to previously in the meeting. Mr. Schranck advised the Board the issue was dismissed.

In regards to the Decision and Order for Robert Heggan – Mr. Heggan forwarded written request to retire license on 12/22/09 – Mr. Schranck advised the Board they could table the



order and allow Mr. Heggan to retire the license and revisit the matter at such time as Mr. Heggan chose to reapply for licensure. Mr. Sellers made a motion to table the Board Order until such a time as he reapplies for licensure. The motion was seconded by Ms. Chvostal. After discussion, the motion was unanimously approved.

The Board signed Decision and Orders for the following licensees: James Bielicki, Aleksander Grkovic, Douglas Loewer, Edward Kelly, Heath Dumack, James Chandler, James Conlow, Kenneth O'Connell, Stephen Kilchenstein, Landon Woodward, James Luff, Michael Given, Michael Ray, Nicholas Remy, Paul Moody, Peter Bloodgood, Richard Schulz, Robert Stout, Theodore Simpler, Timothy Summerall, and William Anderson.

Closed Complaints – None

Correspondence

The Board reviewed information provided by NCEES regarding Engineers Week. Mr. Sellers signed the nomination letter for Ms. Holt to be approved for Associate Member to represent the Board for NCEES.

Certificates

Mr. Sellers signed the certificates for Jeffrey A. Rierson and Brayton J. Palmer.

**Other Business before the Board (for discussion only)** – There was no other business before the Board.

**Public Comment**

Douglas Loewer addressed the Board. After the last meeting, Mr. Loewer emailed the department requesting a list of preapproved courses. On January 4, Mr. Loewer sent a certified letter regarding a course not listed on the approval list. Mr. Loewer stated he did not feel there was adequate and timely response for letter. Mr. Loewer stated there is no listing posted for 2011 renewal. Mr. Loewer stated he had reviewed the minutes and says that the courses have not rolled over. According to that, there is a master list for this year of two pages. Mr. Loewer stated he would doubt that if you only use the classes on the master list that many of the licensees would meet the renewal requirements. Mr. Loewer stated he came to the meeting to see how the Board approves its education. Mr. Loewer expressed his concern as to how a licensee would be able to meet the requirements when courses have already passed once the notice of approval is published. Mr. Loewer stated the list for 2009 is not complete and feels licensees need good quality information to make good decisions. Mr. Loewer questioned if a course is approved for 2009 but hasn't occurred yet and it is not on the 2011 list, how a licensee could take the course if it hasn't been offered yet. Mr. Loewer provided a suggestion on how the Board can better identify the courses that are approved by the Board.

A discussion took place about the postcard distributed by DelTech Georgetown.

Mr. Sellers asked Mr. Loewer if he realized that it was his responsibility as a licensee to follow the process to get a course approved.

Mr. Sellers apologized for the response time to the inquiry. Due to extenuating circumstances, the processing of documents was hindered.

Ms. Chvostal explained the process for reviewing individual courses.

Mr. Szymanski clarified Mr. Loewer's concern.

Mr. Loewer felt there should have been a timely response to his inquiry. Mr. Loewer feels he should not have to send certified letters to get a response.

Mr. Szymanski suggested Mr. Loewer submit an application for the courses to be approved.

**Next Meeting** –February 18, 2009 at 8:30 a.m. in Conference Room A, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware

**Adjournment** – There being no further business, Mr. Szymanski made a motion, seconded by Mr. McDonough. The motion was unanimously approved. The meeting adjourned at 12:56 pm.

Respectfully Submitted,

A handwritten signature in black ink that reads "Renee' M. Holt". The signature is written in a cursive, flowing style.

Renee' M. Holt  
Administrative Specialist II